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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/654,868

09/04/2003

Sanjay P. Lobo

93-03-014

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01/08/2008

DOCKET CLERK, DM/EDS  
P.O. DRAWER 800889  
DALLAS, TX 75380

EXAMINER

DANNEMAN, PAUL

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

01/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/654,868 | <b>Applicant(s)</b><br>LOBO ET AL. |  |
|                              | <b>Examiner</b><br>PAUL DANNEMAN     | <b>Art Unit</b><br>3627            |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>25 Jun 2004, 18 Nov 2005, 9 Feb 2007</u> .                    | 6) <input type="checkbox"/> Other: _____.                         |



## DETAILED ACTION

### Status of Claims

1. This action is in response to the application filed on 4 September 2003.
2. Claims 1-21 have been examined.

### Specification

3. Claims 5-9 are objected to because of the following informalities: Claim 5 cannot be dependent on itself and Claims 6-9 could not be dependent on Claim 5, therefore the Examiner for the purposes of continuing with the prosecution is interpreting Claims 5-9 to be dependent on Claim 4. Appropriate correction is required.

### Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claims 1-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gullotta et al., US 6,947,989 B2 henceforth known as Gullotta.

7. **Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

**Claims 1 and 3:**

With regard to the limitations of a data processing server networked to at least one client data processing system and consisting of:

- ***Distributed System Resources and a System Resource allocation system.***

Gullotta in at least Fig.1, Fig.8, Column 1, lines 10-14 and Column 2 lines 37-40 discloses a distributed networked data processing system with client systems and a system resource provisioning system. Gullotta in at least Column 4, lines 32-38 discloses a network environment of one or more network servers, routers and other devices inter-connected via a local area network (LAN), the internet and / or a wide area network (WAN)., and in lines 39-53 further discloses a system consisting of one or more processors or computers with the ability to provision users with resources based on policies, roles, organizational information and various attributes. Gullotta in at least Column 7, lines 4-18 further discloses a system with managed services which may comprise a network device with a resource provisioning management system (RPM), an operating system containing applications such as Human Resource System, Enterprise Resource Planning system, etc. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill in the art to conclude that Gullotta's system resource provisioning system is functionally equivalent to applicant's invention.

**Claim 2:**

With regard to the limitation:

- ***User is able to manage all aspects of services available to the user on the client system.***

Gullotta in at least Column 5, lines 65-67 and Column 6, lines 1-8 discloses a Customer End-User having access to resources in accordance with policies put in place by the customer. The Customer End-User is typically authorized to perform self-administration of their personal and account information. Gullotta in at least Column 10, lines 64-67 further discloses that depending on the access level of the user, different areas of the organization's data hierarchy can be viewed or modified by the user. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill in the art to conclude that Gullotta's disclosure is functionally equivalent to applicant's invention.

**Claims 4-9, 10-15 and 16-21:**

With regard to the limitations:

- ***System Resource Provisioning feature.***
- ***Hardware, software, system, reconfiguration and a log.***

Gullotta in at least Fig.1, Fig.2 and Column 8, lines 51-62 discloses a system used to manage the provisioning of a variety of services or resources to users. Gullotta in at least Column 15, lines 25-31 further discloses the provisioning and de-provisioning services modules including the policy engine, workflow engine, logging, email, authentication and authorization modules as well as data services modules. Gullotta in at least Column 15, lines 46-61 still further discloses system resources such as applications, modules or groups of modules that may be provided in software form, hardware, firmware or any combination thereof and the administering of their strategic deployment to meet the organization's performance and security needs.

Gullotta in at least Column 6, lines 57-67, and Column 7, lines 1-3 discloses audit logs, historical audit trail information, information about remote services and system state information maintained in a

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database. Gullotta in at least Column 19, lines 66-67 and Column 20, lines 1-20 still further discloses a list of resources provisioned to a user and the list maintained by the resource provisioning management system (RPM) and being updated based on a user's changing role or attribute and in at least Column 20, lines 35-67 still further discloses the user requesting additional resources and the associated approval / disapproval of the request. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill in the art to conclude that Gullotta's System Resource Provisioning for hardware, software and other system resources features and the logging of those changes is functionally equivalent to applicant's invention.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

3 January 2008 /F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627